IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 423 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ISWARBHAI DAYABHAI PATEL

Versus

PISAD GRAM PANCHAYAT

Appearance:

MR SUNIT S SHAH for and MR NV GANDHI for
Appellants No. 1-3
NOTICE SERVED for Respondents No. 1-2,4
MR JM BAROT for MR HS MUNSHAW for Respondent No. 3
MR DR DHIMAR for Respondents No. 5-8
RULE SERVED for Respondent No. 9

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 16/01/2002

ORAL JUDGEMENT

1. Heard Mr.S.S.Shah, learned advocate for the appellants, Mr.J.M.Barot, learned advocate for and on behalf of Mr.H.S.Munshaw, learned advocate for the

respondent No.3 and Mr.D.R.Dhimar, learned advocate for the respondent Nos.5 to 8. The respondent Nos.1, 2, 4 and 9 are absent though duly served.

2. The learned advocates appearing for the parties to submit this Court that this appeal may be disposed of by giving suitable directions to the trial Court without assigning reasons. In the facts and circumstances of the case, the following directions are given.

(i) The learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.105 of 1997, which is pending on the file of learned 4th Joint Civil Judge (S.D.), Surat, Camp at Bardoli as expeditiously as possible preferrably on or before 30th June, 2003.

(ii) Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court so as to enable him to dispose of the suit within given time.

(iii) Ad-interim relief i.e. status-quo granted by this Court (Coram : A.R.Dave,J.) on 24th August, 1999, passed in Civil Application No.9483 of 1999, which has been extended from time to time till this date, shall remain operative and effective till the final disposal of the suit. Copy of the said order dated 24th August, 1999 passed in Civil Application No.9483 of 1999 be sent with the writ of this order to the trial Court.

3. In view of the directions given hereinabove, this Appeal shall stand disposed of. No order as to costs.

(H.H.Mehta,J.)

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